IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 179(S/S) 2007

Fireman Rajesh Sharma S/o Sri Ram Niwas Sharma,
Posted as Fireman in Fire Station, Rishikesh,
District Dehradun. .....Petitioner.

Versus

1. Union of India, through its Chairman,
   Central Advisory State Committee,
   State Advisory Committee Jawahar Lal Nehru Stadium,
   Gate no. 31, Lodhi Road, New Delhi-110003,
2. State of Uttarakhand through Principle Secretary (Home),
   Govt. of Uttarakhand, Dehradun,
3. State of Uttar Pradesh, through Principle Secretary (Home),
   U.P. Lucknow,
4. Inspector General of Police (Karmik),
   Police Head Quarter, State of Uttarakhand, Dehradun.
   .....Respondents.

Sri Vivek Shukla, learned counsel for the petitioner.
And Sri N.S. Pundir, learned Standing Counsel for Union of India,
Sri Harendra Belwal, learned Standing Counsel for the State of Uttarakhand/respondent nos. 2 & 4,
Smt. Beena Panedy, learned Standing Counsel for State of U.P./respondent no. 3,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vivek Shukla, learned counsel for the petitioner, Sri N.S. Pundir, learned Standing Counsel for Union of India, Sri Harendra Belwal, learned Standing Counsel for the State of Uttarakhand/respondent nos. 2 & 4, and Smt. Beena Panedy, learned Standing Counsel for State of U.P./respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 and 4 to relieve the petitioner for joining his services in the State of Uttar Pradesh at an early date,

ii. Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner.

iii Award the costs of the writ petition to the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner is a permanent resident of State of Hariyana and is serving as Fireman in State of Uttarakhand, prior to creation of State of Uttarakhand. The petitioner had opted for State of Uttar Pradesh and the respondent no.1 (Union of India) has finally allocated him the State of U.P. In spite of the final allocation of the petitioner for State of U.P., the State of Uttarakhand is not relieving him for the State of U.P. The respondents have not disputed this fact.

Learned counsel for the parties are agreed that directions may be issued to the respondent/ State of Uttarakhand to take necessary action, in pursuance of the final allocation made in respect of the petitioner's Department, for relieving him to State of Uttar Pradesh.

In the circumstances aforesaid, I direct the respondent n0.4 to take necessary action for relieving the petitioner to State of Uttar Pradesh as expeditiously as possible, in case, he has been finally allocated to the State of Uttar Pradesh.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 16, 2007:
NCM: